Euthanasia and Right to Die with Dignity: A Socio-Legal Study

A SUMMARY OF THE THESIS

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Submitted by
MANPREET KAUR
Department of Laws,
Panjab University, Chandigarh
All human beings have been blessed certain human rights which are inherent in us by virtue of being humans. The most important right is the Right to Life guaranteed under Article 21 of the Constitution of India. There is another very important right i.e. right to personal autonomy and self-determination. The debate over euthanasia rests on the conflict between these two rights. There is also a conflict between doctor’s duty to relieve pain and duty to prolong life. The issue here is about dying with dignity. In the case of a competent patient, his request must be respected provided he has given an informed consent. But the issue is in case of a patient who is incompetent or unconscious (i.e. in case of brain death). Various countries around the world have legalized right to die in form or the other. In India also, such cases come before the courts. A Law on the subject is urgently required. In its landmark judgment in Aruna Ramachandra Shanbaug v. Union of India\(^1\), hon’ble Supreme Court legalized passive euthanasia in case of brain dead patients, subject to certain safeguards in the best interests of the patient. The Law Commission of India has also recommended a Bill for that purpose in 2012. The data also shows that a law is required on the subject.

\(^1\) AIR 2011 SC 1290.